

Richmond Hill Municipal Elections Campaign Contribution Rebate Program

Draft Standard Terms and Conditions

1. Only residents of Richmond Hill shall be eligible to receive a rebate under the Municipal Elections Campaign Contribution Rebate Program established by Council under the *Municipal Elections Act, 1996* (the “Act”) (the “Rebate Program”). For greater certainty, contributions to Candidates by non-resident landowners or tenants are not eligible for a rebate under the Rebate Program.
2. Only monetary (cash) contributions shall be eligible for a rebate under the Rebate Program.
3. The following contributions shall not be eligible for a rebate under the Rebate Program:
 - a. contributions of goods and services;
 - b. a Candidate’s contribution of inventory from a prior election;
 - c. contributions from the Candidate or Candidate’s spouse to the Candidates own campaign; and
 - d. Proceeds from any fundraiser.
4. The City Clerk may, at his or her own discretion, establish any electronic and/or paper forms that the City Clerk deems necessary to implement the Rebate Program, including, but not limited to:
 - a. Campaign contribution receipts for Candidates participating in the Rebate Program;
 - b. Campaign contribution receipts for Candidates not participating in the Rebate Program;
 - c. Campaign Contribution tracking forms; and,
 - d. Application forms for Contributors to apply for a rebate under the Rebate Program.
5. Candidate obligations:
 - a. Candidates must, in writing, agree to participate in the Rebate Program prior to accepting any contributions from any person, and no later than five business days following Nomination Day;
 - b. Candidates who do not agree to participate in the Rebate Program shall be required to notify all Contributors in writing that they are not participating the Rebate Program; and

- c. Any Candidate who agrees to participate in the Rebate Program shall be required to have his or her Campaign Financial Statement that a candidate is required by the Act to submit to the Clerk, including any required Supplemental Financial Statement, audited by an auditor licensed under the *Public Accounting Act, 2004*, even if the total contributions received or total expenses incurred are less than the amount required by the Act for an audit (i.e. will require an audited statement even if their total contributions or expenses are less than \$10,000).
 - d. Candidates shall be required to fully and completely use any form required by the Rebate Program or City Clerk.
 - e. Candidates shall be required to submit to the City Clerk, by the due date established by the City Clerk, copies of fully completed receipts provided to each contributor.
 - f. Candidates shall be required to submit fully complete forms required by the Rebate Program or City Clerk by any deadline in the Act, the Rebate Program By-law, or as otherwise established by the City Clerk.
 - g. Candidates shall be required to comply with any administrative procedures established by the City Clerk, including, but not limited to, the submission of any electronic and physical records required by the Clerk to administer the program, as determined by the Clerk.
6. Contributions made to Candidates who have agreed to participate in the Rebate Program shall not be eligible for a rebate:
- a. Where a Candidate has not complied with any Rebate Program rules, including, but not limited to, any rule requiring a Candidate to submit any required form or document (including any electronic form or document) by a certain day or time; or
 - b. Where a Candidate has not complied with his or her Duties under Section 88.22 of the Act; or
 - c. Where a Candidate fails to file a financial statement under Section 88.25 or 88.32 of the Act by the relevant date, and auditors report, or is otherwise in default under Section 88.23 of the Act and subject to the penalties under Subsection 88.23(2) of the Act.
7. Contributors obligations:
- a. Contributor will be required to apply for rebates during the period of time established by the City Clerk, using the forms required by the City Clerk.
 - b. Contributors will be required to provide proof of their contributions, including, but not limited to, providing copies of contribution receipts provided by the Candidate.

- c. Contributors may, at the discretion of the City Clerk, be required to show proof that they are residents of Richmond Hill in a manner satisfactory to the City Clerk.
8. The failure of a Candidate or Contributor to fully, properly and completely use any form required by the Rebate Program or City Clerk, or to provide proof of anything required, shall result in rebates not being paid on those contributions.
9. The last possible time and date on which a Contributor shall be permitted to apply for a rebate related to an Election or By-election shall be 4:00 p.m. on the day that is 60 days after the supplementary filing date in Section 88.30(2) of the Act.
10. No rebate shall be paid on any contribution made to any Candidate whose campaign financial statement are subject to a Compliance Audit under Section 88.33 of the Act except where:
 - a. The Compliance Audit Committee having considered an application for a compliance audit of the Candidate's election campaign finances, has decided not to appoint an auditor or not to commence a legal proceeding; or
 - b. Any legal proceeding commenced against the Candidate by the Compliance Audit Committee has concluded without a conviction.
11. No rebate shall be paid to any Contributor, where the Contributor has, pursuant to Section 88.34 of the Act, been identified by the City Clerk as appearing to have exceeded any contribution limits except where;
 - a. The Compliance Audit Committee, having considered the City Clerk's report under Section 88.34 of the Act, identifying the Contributor as appearing to have exceeded one or more contribution limits, has decided not to commence any legal proceeding; or
 - b. Any legal proceeding commenced against the Contributor by the Compliance Audit Committee has concluded without a conviction.